

# EXHIBIT A

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 -----  
6 ORACLE AMERICA, INC., )  
7 Plaintiff, )  
8 vs. ) No. CV 10-03561  
9 GOOGLE, INC., )  
10 Defendant. )  
11 -----

12  
13 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY  
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15 Videotaped Deposition of Andrew Rubin, taken at  
16 633 Battery Street, San Francisco, California,  
17 commencing at 9:39 a.m., Friday, April 27, 2012,  
18 before Ashley Soevyn, CSR 12019.  
19

20  
21  
22 Reported by:

23 Ashley Soevyn, CSR. 12019

24 Job No. 143660

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1 APPEARANCES OF COUNSEL:

2  
3 FOR THE PLAINTIFF ORACLE AMERICA, INC.:

4  
5 BOIES, SCHILLER & FLEXNER LLP

6 BY: ALANNA C. RUTHERFORD, ESQ.

7 575 Lexington Avenue, 7th Floor

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9 (212) 446-2300

10 arutherford@bsfllp.com

11  
12 FOR THE DEFENDANT GOOGLE, INC.:

13  
14 KING & SPALDING

15 BY: SCOTT T. WEINGAERTNER, ESQ.

16 1185 Avenue of the Americas

17 New York, NY 10036-4003

18 (212) 556-2227

19 sweingaertner@kslaw.com

20  
21 ALSO PRESENT:

22 AARON WATLEY, Videographer

23 SUSAN KIM, Google Litigation Department

24 RACHEL CALFLIN, Legal Assistant King & Spalding

25  
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1 Q. Did you have any conversations with anybody  
2 aside from counsel --

3 A. No --

4 Q. -- in preparation for that call?

5 A. -- I didn't.

6 Q. Have you reviewed Dr. Cox's report?

7 A. I have not.

8 Q. Were you told why you were meeting with  
9 Dr. Cox, aside from any conversations you had with  
10 counsel?

11 A. Yes, to, you know, to document the cost  
12 associated with developing Android.

13 Q. Do you know Android senior financial Aditya 09:42:59  
14 Agarwal?

15 A. Yes, I do.

16 Q. Do you work with him on a regular basis?

17 A. Yes.

18 Q. Do you believe that you're more fully able  
19 to respond to the questions about Android's expenses  
20 than Mr. Agarwal?

21 MR. WEINGAERTNER: Objection, form.

22 THE WITNESS: In certain areas. My -- my  
23 expertise is in the cost to develop Android, his  
24 expertise is in finance and accounting. 09:43:25

25 BY MS. RUTHERFORD:

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1 MR. WEINGAERTNER: Objection to form.

2 THE WITNESS: I don't believe I said  
3 exactly that, no.

4 BY MS. RUTHERFORD:

5 Q. No? Well, do you recall what you said to  
6 him regarding that topic?

7 A. When we reviewed the costs, I indicated 09:47:58  
8 that there were a couple of -- you know, there was a  
9 couple of pieces of background information that were  
10 important to consider. One was we didn't start any  
11 of the accounting until 2008, so there's a bunch of  
12 costs associated with Android that weren't tracked  
13 before 2008. I also talked to him briefly that 09:48:22  
14 although the spreadsheets in these reports  
15 represent -- should certainly represent costs that  
16 were part of developing Android, the spreadsheets  
17 also could include costs in other areas that weren't  
18 Android. And those were -- we tried our best to --  
19 you know, the accounting system tries its best to 09:48:59  
20 sort those out, but, you know, there's some odd  
21 chance that other data would be in there.

22 Q. Anything else?

23 A. No, that's about it.

24 Q. Well, let's focus on the second point you  
25 said, that the spreadsheets had costs that were

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1 related to the development of Android, but in other  
2 areas as well. What are those other areas?

3 A. Potentially other areas. I mean, it's just  
4 a side effect of the accounting system. And in  
5 that, depending on the timeframe, how we track 09:49:26  
6 stuff. I don't know exactly what they were, but I  
7 would -- my -- my understanding is that these  
8 numbers included the majority of the cost -- all the  
9 cost of Android in its entirety.

10 Q. Could you explain what the accounting  
11 system is?

12 MR. WEINGAERTNER: Objection, form.

13 THE WITNESS: I don't have -- I'm not an  
14 accountant, so I don't have the depth of detail on  
15 what the accounting system is. We discussed 09:49:58  
16 earlier, I don't know the name of the accounting  
17 system or software they use.

18 BY MS. RUTHERFORD:

19 Q. Do you know the methodology?

20 A. I -- as I understand it, it's standard  
21 accounting procedures.

22 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

2 Q. You don't know.

Q. You don't know.

09:51:59

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Veritext National Deposition & Litigation Services  
866 299-5127

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1 MR. WEINGAERTNER: Thank you.

2 THE VIDEOGRAPHER: The time is 11:15 a.m.  
3 and we are off the record.

4 (Recess taken.)

5 THE VIDEOGRAPHER: The time is 11:19 a.m., 11:19:32  
6 and we are back on the record.

7 CROSS-EXAMINATION

8 BY MR. WEINGAERTNER:

9 Q. Mr. Rubin just a couple of quick questions.  
10 Is the accounting information that's reflected in  
11 the Android profit and loss document that's been  
12 marked Trial Exhibit 1079, is that routinely updated  
13 every quarter by Google?

14 A. It is. We do reports like this every  
15 quarter and they get given to me at the end of the  
16 quarter, when the reports are generated. 11:19:57

17 Q. And is it updated by your accounting  
18 department and reviewed by you in the ordinary  
19 course of business?

20 A. Yes, it is.

21 Q. On a regular basis?

22 A. Yes, quarterly.

23 Q. And does the information in Trial Exhibit  
24 1079, the Android profit and loss information,  
25 accurately encompass Android's financial data for

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1 the time period shown in the documentation?

2 A. Yes, I believe so, to the -- you know, for  
3 the time period shown absolutely. As I mentioned  
4 previously, before 2008 we didn't have procedures to  
5 generate these reports.

6 MR. WEINGAERTNER: Very good. No further 11:20:31  
7 questions.

8 MS. RUTHERFORD: I just have one.

9 REDIRECT EXAMINATION

10 BY MS. RUTHERFORD:

11 Q. You just answered that Trial Exhibit 1079  
12 accurately encompasses financial data for Android.  
13 What is -- what's the basis for your answer to that  
14 question?

15 A. That the system is in place at Google, take  
16 information from the actual business unit and put it  
17 into the system. The finance team's responsibility  
18 is to make sure that that information is accurately  
19 represented and then the software outputs these 11:20:59  
20 reports quarterly.

21 [REDACTED]  
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1 STATE OF CALIFORNIA ) ss:  
2 COUNTY OF MARIN )  
3


4 I, ASHLEY SOEVYN, CSR No. 12019, do hereby  
5 certify:

6 That the foregoing deposition testimony was  
7 taken before me at the time and place therein set  
8 forth and at which time the witness was administered  
9 the oath;

10 That the testimony of the witness and all  
11 objections made by counsel at the time of the  
12 examination were recorded stenographically by me,  
13 and were thereafter transcribed under my direction  
14 and supervision, and that the foregoing pages  
15 contain a full, true and accurate record of all  
16 proceedings and testimony to the best of my skill  
17 and ability.

18 I further certify that I am neither counsel for  
19 any party to said action, nor am I related to any  
20 party to said action, nor am I in any way interested  
21 in the outcome thereof.

22 IN THE WITNESS WHEREOF, I have transcribed my  
23 name this 28th day of April, 2012.  
24

25   
ASHLEY SOEVYN, CSR 12019